IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

APPEAL FROM ORDER NO.1045 OF 2005

WITH

CIVIL APPLICATION NO.1255 OF 2005

Shri Madan Singh Barara. ...Appellant.

Vs.

Smt.Malti V.Pandey. ...Respondent.

.....

Mr.Thakur i/b.LJ Law for the Appellant.

Mr.B.P.Shukla for the Respondent.

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CORAM : DR.D.Y.CHANDRACHUD, J.

November 28,2005.

P.C. :

The stall in question is admittedly not on the property of the Appellant, but on the Footpath which vests in the Municipal Corporation. It is, therefore, not open to the Appellant to take any coercive step by taking the law in his own hand. The order of the Learned Trial Judge, however, does not restrain the Municipal Corporation from taking such steps in accordance with law as it is advised

to pursue. There is no merit in the appeal which is accordingly dismissed.

In view of the disposal of the appeal, the Civil Application is rendered infructuous and is accordingly disposed of.

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